



**Village of Menomonee Falls
Police Department**

W156 N8480 Pilgrim Road
Menomonee Falls WI 53051-3140

Non Emergency Telephone: 262.532.8700 FAX 262.532.8769
Website: www.fallspolice.org

January 10, 2019

Dave Maass
MuckRock News
DEPT MR 66076
411a Highland Avenue
Somerville, MA 02144-2516

**VIA REGULAR MAIL AND
EMAIL**
(66076-59929309@requests.muckrock.com)

Re: Your Two Open Records Requests

Dear Mr. Maass,

I am writing to respond to two Open Records Requests you sent to the Village's Police Feedback email address. Your requests are dated December 13, 2018 and December 28, 2018, respectively. Both of your emails were addressed to the Menomonee Falls Police Department ("MFPD"). As the Menomonee Falls Director of Protective Services, I am the custodian of the records of the MFPD. This letter serves as a preliminary response to your records request.

YOUR REQUESTS

Your first request dated December 13 seeks makes the following 10 requests:

1. The names of agencies and organizations with which the Agency shares ALPR data;
2. The names of agencies and organizations from which the Agency receives ALPR data;
3. The names of agencies and organizations with which the Agency shares "hot list" information;
4. The names of agencies and organizations from which the Agency receives "hot list" information;
5. The aggregate number of "detections" (i.e. license plate scans and associated data) collected during 2016;
6. The aggregate number of detections collected during 2017;
7. The aggregate number of detections collected during 2018;
8. The aggregate number of "hits" (i.e. times that a plate on a hotlist was detected) during 2016;
9. The aggregate number of "hits" during 2017;
10. The aggregate number of "hits" during 2018.

On December 21, I sent a reply email confirming receipt of the December 13 email and informing you that your request was under review.

On December 28, the Village received an email containing what is purported to be a copy of the December 13 request from the same email address. The request contained in the December 28



The Menomonee Falls Police Department is accredited by the Wisconsin Law Enforcement Accreditation Group



email is dated December 13, but it is not the same email that was received by the Village on December 13. This December 28 email appears to request the following records:

1. Policies related to the adoption of ALPR technology, including those guiding the procurement process or necessary administrative obligations before acquisition;
2. Training policies, requirements, and materials for automatic license plate reader system operators;
3. Databases used to compare data obtained by the automatic license plate reader system;
4. Policies related to the retention and security of captured ALPR data, including those regarding:
 - the length of time after capture that data may be preserved
 - exceptions to general data preservation policies
 - internal data security and access
 - data destruction
5. Policies related to the sharing of captured ALPR data by this agency with other agencies, including those directing:
 - the manner in which another agency may request data
 - the circumstances under which captured data may be shared, and
 - the responsibilities of the recipient agency in regards to data retention and use,
 - access by this agency to data obtained by automatic license plate reader systems not operated by the law enforcement agency.
6. Policies related to the sale of data or the sharing of data with non-law enforcement actors.
 - If applicable, please provide all agreements between this agency and non-law enforcement actors.
7. Policies regarding oversight of automatic license plate reader system use.
8. Audit Reports
9. Policies related to maintenance and calibration.
10. Any other policies or reports on subjects related to automatic license plate reader system use by the agency.

In addition to these requests, your December 28 email also requests “the number of requests made by outside agencies” and “maintenance and calibration schedules and records for the system on file.”

I understand your December 13 and December 28 emails to contain two separate records requests. If I am mistaken and you did not intend to make a second request on December 28, please let me know as soon as possible. Also, if I have misstated or misunderstood either of your request in any way please let me know.

PRELIMINARY RESPONSE TO YOUR REQUEST

Your December 13 and December 28 emails contain requests for records¹ as defined by Subchapter II of Chapter 19 of the Wisconsin Statutes (“WI Public Records Law”). For those aspects of your requests that are temporal in nature, the Wisconsin Attorney General has stated

¹ “Record” means any material on which written, drawn, printed, spoken, visual, or electromagnetic information or electronically generated or stored data is recorded or preserved, regardless of physical form or characteristics, that has been created or is being kept by an authority. Wis. Stat. § 19.32(2).

that the “right of access applies only to records that exist at the time the request is made.”² Records will be located based on the date each request was received. In addition, to the extent you’ve requested records in a specific format, the WI Public Records Law “does not require [the Village] to create a new record by extracting information from existing records and compiling the information in a new format.”³ Please let me know if this impacts the scope of your request.

I anticipate that my Department has records responsive to your request. Due to the scope of your request and my basic understanding of the records, the total estimated minimum cost to begin locating all of the records responsive to your request is \$217.41. This is largely due to the scope of your request. Pursuant to the Village’s Public Records Policy and the WI Public Records Law, this estimated cost includes “the total cost of personnel, including wages, fringe benefits, and all other benefits and overhead related to time spent searching or copying records.” Because the estimated location cost exceeds \$50.00, my Department will require prepayment before locating the records falling within your request. I’ve therefore enclosed an invoice for \$217.41.

Please prepay these costs by mailing payment with the enclosed invoice to my Department. Upon payment of the estimated location costs, my Department will search for, locate and compile the records falling within your request. If the cost to locate the records is less than the estimated cost, you will be refunded. If the cost to locate the records is greater than the estimated cost, we will notify you in writing upon locating the records.

Based on the anticipated volume of the records responsive to your request, there will likely be costs associated with the reproduction or copying of the records. The Village’s Public Records Policy provides that photocopies will be provided at \$0.25 per page. Any multimedia discs will be copied and provided at \$25.00 apiece. Once the records responsive to your request are located and compiled, we will inform you of the costs of reproduction. If the reproduction costs exceed \$5.00, advanced payment will be required.

My Department will also have to review the records responsive to your request for any potential limitations upon disclosure that may apply or any policy reasons that warrant withholding part or all of any record. If I am prevented from disclosing information contained within the records, you will be notified in writing of the basis for the decision.

I will await prepayment of the enclosed invoice. If prepayment is not received, I will assume that you no longer wish to proceed with your request. If you have any questions, please contact me by phone or email. I can be reached by calling (262) 532-4200 and asking the receptionist to direct your call.

Very truly yours,

VILLAGE OF MENOMONEE FALLS



Anna M. Ruzinski

Director of Protective Services

² 73 Op. Att’y Gen. 37, 44 (1984).

³ Wis. Stat. §19.35(1)(L).

Menomonee Falls Police Department

W156 N8480 Pilgrim Rd.
Menomonee Falls, WI 53051
Ph: 262-532-8700
Fax: 262-532-8769

INVOICE

Dave Maass
MuckRock News
DEPT MR 66076
411a Highland Avenue
Somerville, MA 02144-2516

Date: January 9, 2019

RE: December 13 and 28, 2018 Records Request

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
	Records Request		\$217.41
SUBTOTAL			\$217.41
SALES TAX			0
TOTAL DUE			\$217.41

Make all checks payable to: Village of Menomonee Falls
If you have any questions concerning this invoice, please call (262) 532-8700